**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1027 OF 2007**

Ramesh B. Ahuja & Anr. .... Petitioners

Vs.

M/s Creation & Others .... Respondents

Mr.Deepak J. Lutia for the Petitioners
Mr.N.A. Modi a/w Mr. S.T. Manek for Respondent no. 1.

**CORAM : D.B. BHOSALE, J.**
**DATE : 4TH JULY, 2007**

P.C.

. Heard learned counsel for the parties.

2. The petitioners in the instant writ petition has impugned an order dated 27.11.2006 by which their application for framing additional issues have been rejected. Considering the powers of the Court under Order 14 Rule 5 of the Code of Civil Procedure and the rights of parties to challenge the order, such as the one impugned in the present writ petition, in appeal, after disposal of the suit I am not inclined to interfere with the impugned order in extremely limited jurisdiction of this court under Article 227 of the Constitution of India. I am satisfied that if all the contentions in the present writ petition are kept open for the petitioners

to raise in the appeal, if the suit is decreed against him. In the circumstances this writ petition is disposed of with liberty to the petitioners to raise all contentions in the present writ petition in appeal after disposal of the suit. The petition is disposed of.

**(D.B. BHOSALE, J.)**